



DANIEL G. BOGDEN  
United States Attorney  
KIMBERLY M. FRAYN  
Assistant United States Attorney  
Organized Crime Strike Force  
Lloyd D. George Federal Courthouse  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101  
Telephone: (702) 388-6336

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.  
~~ARMAN PALIKYAN,~~  
ARMAN PALIKYAN,

Defendant.

2:08-CR-311-RLH-GWF

PETITION, STIPULATION FOR RETURN OF PROPERTY AND ORDER

The United States of America, by and through its undersigned counsel, hereby stipulates and agrees with Victoria Berberian, as follows:

1. On March 3, 2011, Arman Palikyan pled guilty to violations of Title 18, United States Code, Section 1029(A)(1), Trafficking in Counterfeit Access Devices; Title 18, United States Code, Sections 1028(A)(a)(1) and (c)(4), Aggravated Identity Theft; and Title 18, United States Code, Section 1956(h), Conspiracy to Commit Money Laundering; and agreed to the forfeiture of property named in the Forfeiture Allegation of the Second Superseding Criminal Indictment. #103.

2. On March 3, 2011, the Court entered the Preliminary Order of Forfeiture (#291), in which Arman Palikyan forfeited to the United States property that was referenced in the Forfeiture Allegations of the Second Superseding Criminal Indictment pursuant to Title 18, United States Code, Section 981(a)(1)(A) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Sections 1956(c)(7)(A) and 1961(1)(B); Title 18, United States Code, Section 982(a)(1); Title 18,

1 United States Code, Section 982(a)(2)(B); Title 18, United States Code, Section 1029(c)(1)(C); and  
2 Title 21, United States Code, Section 853(p).

3 3. Victoria Berberian petitions that the 2008 Black Mercedes Benz G-500 Wagon, VIN:  
4 WDCYR49E38X171546, which was in the possession of defendant Arman Palikyan at the time of  
5 his arrest, be returned to Victoria Berberian, who is the owner of the vehicle, which return shall  
6 constitute full satisfaction of all costs, fees, attorney's fees, and other expenses as to the United States,  
7 under 28 U.S.C. § 1746. By her signature below, Victoria Berberian declares, certifies, verifies, and  
8 states under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing in paragraph 3 is true  
9 and correct.

10 4. The 2008 Black Mercedes Benz G-500 Wagon, VIN: WDCYR49E38X171546, ("the  
11 property") is forfeited to the United States of America.

12 5. Victoria Berberian knowingly and voluntarily agrees to the abandonment, the civil  
13 administrative forfeiture, the civil judicial forfeiture, or the criminal forfeiture of the property.

14 6. Victoria Berberian knowingly and voluntarily agrees to relinquish all right, title, and  
15 interest in the property.

16 7. Victoria Berberian knowingly and voluntarily agrees to waive her right to any  
17 abandonment proceedings, any civil administrative forfeiture proceedings, any civil judicial forfeiture  
18 proceedings, or any criminal forfeiture proceedings ("proceedings") of the property.

19 8. Victoria Berberian knowingly and voluntarily agrees to waive service of process of any  
20 and all documents filed in this action or any proceedings concerning the property arising from the facts  
21 and circumstances of this case.

22 9. Victoria Berberian knowingly and voluntarily agrees to waive any further notice to her,  
23 her agents, or her attorney regarding the abandonment or the forfeiture and disposition of the property.

24 10. Victoria Berberian knowingly and voluntarily agrees not to file any claim, answer,  
25 petition, or other documents in any proceedings concerning the property.  
26 . . .

1           11. Victoria Berberian knowingly and voluntarily agrees to withdraw any claims, answers,  
2 counterclaims, petitions, or other documents it filed in any proceedings concerning the property.

3           12. Victoria Berberian knowingly and voluntarily agrees to waive the statute of limitations,  
4 the CAFRA requirements, Fed. R. Crim. P. 7 and 32.2, the constitutional requirements, and the  
5 constitutional due process requirements of any abandonment proceeding or any forfeiture proceeding  
6 concerning the property.

7           13. Victoria Berberian knowingly and voluntarily agrees to waive her right to a jury trial  
8 on the forfeiture of the property.

9           14. Victoria Berberian knowingly and voluntarily agrees to waive (a) all constitutional,  
10 legal, and equitable defenses to, (b) any constitutional or statutory double jeopardy defense or claim  
11 concerning, and (c) any claim or defense under the Eighth Amendment to the United States  
12 Constitution, including, but not limited to, any claim or defense of excessive fine in any proceedings  
13 concerning the property.

14           15. Victoria Berberian knowingly and voluntarily agrees to the entry of an Order of  
15 Forfeiture of the property to the United States.

16           16. Victoria Berberian knowingly and voluntarily agrees and understands the abandonment,  
17 the civil administrative forfeiture, the civil judicial forfeiture, or the criminal forfeiture of the property  
18 shall not be treated as satisfaction of any assessment, fine, restitution, cost of imprisonment, or any  
19 other penalty this Court may impose upon the Defendant in addition to the abandonment or the  
20 forfeiture.

21           17. After the property is forfeited with a Final Order of Forfeiture in this criminal case and  
22 the United States District Court has signed this Petition and Stipulation for Return of Property and  
23 Order concerning the Property, within a practicable time thereafter for the United States, the United  
24 States knowingly and voluntarily agrees the United States will transfer the property to Victoria  
25 Berberian. The United States understands and Victoria Berberian agrees to pay all of the costs for the  
26 storage and towing of the 2008 Black Mercedes Benz G-500 Wagon, VIN: WDCYR49E38X171546,

1 before the release of the property to Victoria Berberian. After the property is returned to Victoria  
2 Berberian, she will still have all of her remedies against the Defendant but no remedies against the  
3 United States. Victoria Berberian acknowledges with the execution of this document that she accepts  
4 the vehicle in "as is" condition.

5 18. Victoria Berberian knowingly and voluntarily agrees to the conditions set forth in this  
6 Petition and Stipulation for Return of Property and Order ("Stipulation").

7 19. Victoria Berberian knowingly and voluntarily agrees to hold harmless the United  
8 States, the United States Department of Justice, the United States Attorney's Office for the District  
9 of Nevada, the United States Secret Service, their agencies, their agents, and their employees from any  
10 claim made by her or any third party arising out of the facts and circumstances of this case.

11 20. Victoria Berberian releases and forever discharges the United States of America, the  
12 United States Department of Justice, the United States Attorney's Office for the District of Nevada,  
13 the United States Secret Service, their agencies, their agents, and their employees from any and all  
14 claims, rights, or causes of action of any kind that Victoria Berberian now has or may hereafter have  
15 on account of, or in any way growing out of, the seizure of the property.

16 21. Each party acknowledges and warrants that its execution of the Stipulation is free and  
17 is voluntary.

18 22. The Stipulation contains the entire agreement between the parties.

19 23. Except as expressly stated in the Stipulation, no party, officer, agent, employee,  
20 representative, or attorney has made any statement or representation to any other party, person, or  
21 entity regarding any fact relied upon in entering into the Stipulation, and no party, officer, agent,  
22 employee, representative, or attorney relies on such statement or representation in executing the  
23 Stipulation.

24 24. The persons signing the Stipulation warrant and represent that they have full authority  
25 to execute the Stipulation and to bind the persons and/or entities, on whose behalf they are signing,  
26 to the terms of the Stipulation.

25. This Stipulation shall be construed and interpreted according to federal forfeiture law and federal common law. The jurisdiction and the venue for any dispute related to, and/or arising from, this Stipulation is the unofficial Southern Division of the United States District Court for the District of Nevada, located in Las Vegas, Nevada.

26. Each party shall bear its own attorneys' fees, expenses, interest, and costs.

27. This Stipulation shall not be construed more strictly against one party than against the other merely by virtue of the fact that it may have been prepared primarily by counsel for one of the parties; it is recognized that both parties have contributed substantially and materially to the preparation of this Stipulation.

IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable cause for the seizure of the property.

DATED: 3/8/11

LAW OFFICE OF ALEX R. KESSEL

ALEX R. KESSEL  
Attorney for Petitioner Victoria Berberian,

DATED: 3/8/11

VICTORIA BERBERIAN

DATED: 6/9/11

DANIEL G. BOGDEN  
United States Attorney

KIMBERLY M. FRAYN  
Assistant United States Attorney

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: 6/10/2011